

EXHIBIT P-1

Continuation of Davis deposition

<p style="text-align: right;">249</p> <p>1 DAVIS, Ph.D.</p> <p>2 Q. All right.</p> <p>3 MR. SELLS: Let's take it down.</p> <p>4 Q. That's you, you're the puppet master</p> <p>5 always trying to get people to do what you</p> <p>6 want them to do so that you could look clean</p> <p>7 and you could blame someone else for the</p> <p>8 problem, right? You're a puppet master --</p> <p>9 MR. DRANOFF: Objection.</p> <p>10 Note the harassing objection.</p> <p>11 A. That is not correct.</p> <p>12 Q. Yeah, that is why you had those</p> <p>13 students -- after the fashion show, that's</p> <p>14 why you got them all in your office, right,</p> <p>15 with Mr. Farmer so you could try and puppet</p> <p>16 master your way out of it, right --</p> <p>17 MR. DRANOFF: Note the</p> <p>18 harassing objection.</p> <p>19 Q. -- that is what you tried to do,</p> <p>20 correct?</p> <p>21 A. That is incorrect and factually</p> <p>22 incorrect.</p> <p>23 Q. And that's why when Ms. Phillips</p> <p>24 came to you with complaints of</p> <p>25 discrimination, four different complaints of</p>	<p style="text-align: right;">251</p> <p>1 DAVIS, Ph.D.</p> <p>2 You're puppet mastering with Cynthia Glass?</p> <p>3 A. That is incorrect --</p> <p>4 Q. Right? Right?</p> <p>5 A. That is incorrect.</p> <p>6 Q. But what is supposed to happen with</p> <p>7 a complaint of bullying in the workplace and</p> <p>8 harassment in the workplace? What is</p> <p>9 supposed to happen with that?</p> <p>10 A. I believe, as Dr. Glass indicated in</p> <p>11 her e-mail, that it would be referred to the</p> <p>12 Title 9 officer for consideration under the</p> <p>13 policy.</p> <p>14 Q. Exactly.</p> <p>15 And so you knew that the affirmative</p> <p>16 action officer already had the investigation</p> <p>17 open into you and Ms. Barton and so you</p> <p>18 wanted to go tit-for-tat and have a bullying</p> <p>19 harassment complaint go to the Title 9</p> <p>20 affirmative action officer; that's exactly</p> <p>21 what your plan was, wasn't it?</p> <p>22 A. That is incorrect.</p> <p>23 Q. Yeah, right. But that's what</p> <p>24 happened, right?</p> <p>25 A. I don't --</p>
<p style="text-align: right;">250</p> <p>1 DAVIS, Ph.D.</p> <p>2 discrimination, you met with Ms. Phillips and</p> <p>3 you met with the people she complained about</p> <p>4 who were under your supervision and you tried</p> <p>5 to puppet master it so it didn't go to</p> <p>6 Affirmative Action, right?</p> <p>7 A. Incorrect.</p> <p>8 Q. And then when Ms. Barton loses it</p> <p>9 and she threatens to kill Ms. Phillips and</p> <p>10 threatens to fuck her up and threatens to,</p> <p>11 you know, tells her to shut the fuck up and</p> <p>12 then pushes her, you try and flip it by</p> <p>13 getting Ms. Barton to write a false statement</p> <p>14 of what occurred; isn't that right?</p> <p>15 A. No, that is incorrect.</p> <p>16 Q. And then when Ms. Glass and you talk</p> <p>17 about it and you say, "Well this is, you</p> <p>18 know, what is going to be in the statement</p> <p>19 and this is what's gonna be in -- you know,</p> <p>20 that this is gonna be in Ms. Barton's</p> <p>21 statement," and then when you deliver the</p> <p>22 statement to Ms. Glass and she reads it she</p> <p>23 says, "Contrary to our prior conversation,</p> <p>24 this does look like it constitutes a</p> <p>25 complaint of bullying and harassment," right?</p>	<p style="text-align: right;">252</p> <p>1 DAVIS, Ph.D.</p> <p>2 Q. Whether you planned it or not,</p> <p>3 that's what happened, right?</p> <p>4 A. I don't know whether a complaint was</p> <p>5 lodged in the Affirmative Action Office.</p> <p>6 Q. Well, it was right there. You saw</p> <p>7 Cynthia Glass included Deliwe Kekana, right?</p> <p>8 She received it. She saw the statement that</p> <p>9 Ms. Barton gave; so already you tried to</p> <p>10 poison the well, right?</p> <p>11 A. No, I don't know that to be true.</p> <p>12 Q. Plan succeeded. Plan successful,</p> <p>13 right?</p> <p>14 A. I don't know what plan you're</p> <p>15 referring to.</p> <p>16 Q. Got it.</p> <p>17 So let's take a look at the other</p> <p>18 statement that you got and that was from</p> <p>19 Anton Baptiste.</p> <p>20 MR. SELLS: So could we put up</p> <p>21 Exhibit 39.</p> <p>22 (The image is shared on the</p> <p>23 computer screen.)</p> <p>24 Q. So, you could see that the next day,</p> <p>25 'cause you turned in Marilyn Barton's</p>

<p style="text-align: right;">253</p> <p>1 DAVIS, Ph.D.</p> <p>2 statement on the 20th, May 20th of 2019.</p> <p>3 Now, the next day you deliver Anton</p> <p>4 Baptiste's statement; is that right?</p> <p>5 A. That is when I received it.</p> <p>6 Q. Got it.</p> <p>7 Now, what assistance did you give</p> <p>8 Mr. Baptiste in writing his statement?</p> <p>9 A. I simply asked for his statement as</p> <p>10 I recall.</p> <p>11 Q. You just asked him?</p> <p>12 A. That's correct.</p> <p>13 Q. Was anybody else present when you</p> <p>14 asked him for his statement?</p> <p>15 A. I don't recall.</p> <p>16 Q. Okay.</p> <p>17 So this is the statement you</p> <p>18 delivered, right?</p> <p>19 MR. SELLS: Scroll up.</p> <p>20 Q. Now, Mr. Baptiste wrote an e-mail</p> <p>21 according to what is on this page, right?</p> <p>22 A. Yes.</p> <p>23 Q. And just so I'm clear, who did he</p> <p>24 address that e-mail to?</p> <p>25 A. I can't tell from the document here.</p>	<p style="text-align: right;">255</p> <p>1 DAVIS, Ph.D.</p> <p>2 A. "-- I observed confrontation --"</p> <p>3 Q. Mm-hmm. "Between Marjorie and</p> <p>4 Marilyn." What did he happen to see?</p> <p>5 A. Well, he described it there.</p> <p>6 "Marjorie holding her hands up at shoulder</p> <p>7 level walking slowly forward with palms</p> <p>8 facing Marilyn repeatedly asking her calm</p> <p>9 down."</p> <p>10 Q. Got it.</p> <p>11 So what she saw, according to the</p> <p>12 statement you collected, was Ms. Phillips</p> <p>13 walking towards Ms. Barton, right?</p> <p>14 A. That is the content of his</p> <p>15 statement.</p> <p>16 Q. Yeah. Trying to support</p> <p>17 Ms. Barton's lie that it was Ms. Phillips</p> <p>18 that was approaching her and being the</p> <p>19 aggressor towards her, right?</p> <p>20 A. I'm sorry. I lost you in that.</p> <p>21 Q. This supports that lie that you had</p> <p>22 Ms. Barton tell about Ms. Phillips</p> <p>23 approaching her --</p> <p>24 A. First of all --</p> <p>25 Q. -- and being the aggressor, right?</p>
<p style="text-align: right;">254</p> <p>1 DAVIS, Ph.D.</p> <p>2 Q. Well, you want to scroll up a little</p> <p>3 bit?</p> <p>4 A. I assume it was to me. I had asked</p> <p>5 for --</p> <p>6 Q. Hold on.</p> <p>7 MR. SELLS: We can scroll up</p> <p>8 the other way. Stop --</p> <p>9 A. Yeah --</p> <p>10 Q. So, you said, "thanks, Anton,"</p> <p>11 right?</p> <p>12 A. Correct.</p> <p>13 Q. Now, there's nothing in this</p> <p>14 statement that indicates Anton Baptiste saw</p> <p>15 or heard what happened between Ms. Barton and</p> <p>16 Ms. Phillips, right?</p> <p>17 A. Oh, no. That's incorrect.</p> <p>18 Q. Oh, really? Well, where does it say</p> <p>19 they saw something?</p> <p>20 A. In the midway through the first</p> <p>21 paragraph, "as I --"</p> <p>22 Q. Oh --</p> <p>23 A. "-- as I entered the dean's</p> <p>24 office --"</p> <p>25 Q. Yes --</p>	<p style="text-align: right;">256</p> <p>1 DAVIS, Ph.D.</p> <p>2 A. First of all --</p> <p>3 MR. DRANOFF: Object to the</p> <p>4 form.</p> <p>5 A. -- I did not instruct Ms. Barton to</p> <p>6 say anything. I asked for her statement.</p> <p>7 Anton's statement indicates what it</p> <p>8 indicates. That "Marjorie, holding her hands</p> <p>9 up at shoulder level walking slowly forward</p> <p>10 repeatedly asking her to calm down." That is</p> <p>11 his statement.</p> <p>12 Q. He didn't say anywhere in his</p> <p>13 statement that he heard Ms. Barton saying</p> <p>14 "I'm gonna fuck you up. I'm gonna kill you.</p> <p>15 Shut the fuck up." He didn't say that</p> <p>16 anywhere, right, in this statement that he</p> <p>17 gave to you, right?</p> <p>18 A. So, once again -- first of all, I</p> <p>19 cannot see the entirety of the --</p> <p>20 Q. Okay.</p> <p>21 Let's go. You can see it. Just</p> <p>22 show me where it says that he heard Marilyn</p> <p>23 Barton say "shut the fuck up. I'm gonna</p> <p>24 fucking kill you. I will fuck you up."</p> <p>25 A. He does not include that in his</p>


<p style="text-align: right;">257</p> <p>1 DAVIS, Ph.D.</p> <p>2 statement.</p> <p>3 Q. Does not. Okay.</p> <p>4 Now, you read the whole statement,</p> <p>5 right? You read his whole statement?</p> <p>6 A. Just now.</p> <p>7 Q. Okay.</p> <p>8 So the other statement that you</p> <p>9 collected was from Henry Wallace.</p> <p>10 MR. SELLS: Can we put up</p> <p>11 exhibit 40.</p> <p>12 (The image is shared on the</p> <p>13 computer screen.)</p> <p>14 Q. And again, you're the one whose</p> <p>15 delivering the statement to Cynthia Glass; is</p> <p>16 that right?</p> <p>17 A. To Cynthia Glass and Natacha Unelus.</p> <p>18 Q. Got it.</p> <p>19 Now, who is Henry Wallace?</p> <p>20 A. Henry Wallace was a studio</p> <p>21 technician in the Fashion Design Department.</p> <p>22 Q. Got it.</p> <p>23 Now, you heard Ms. Glass yesterday</p> <p>24 say that maybe Mr. Wallace had trouble with</p> <p>25 English --</p>	<p style="text-align: right;">259</p> <p>1 DAVIS, Ph.D.</p> <p>2 was repeatedly asking Marilyn to calm down,</p> <p>3 which would suggest that Marilyn was not</p> <p>4 calm.</p> <p>5 Q. And what is wrong --</p> <p>6 A. And --</p> <p>7 Q. -- what is wrong with not being</p> <p>8 calm? What is wrong about not being calm?</p> <p>9 A. I'm just noting that they both</p> <p>10 repeatedly -- that they both note that</p> <p>11 Marjorie was asking Marilyn to calm down; so</p> <p>12 there must have been something from which she</p> <p>13 had to calm down. They used the word</p> <p>14 "altercation".</p> <p>15 Q. So, that's it?</p> <p>16 A. This is their statements.</p> <p>17 Q. Right.</p> <p>18 Puppet master. You got everybody</p> <p>19 trying to cover for --</p> <p>20 MR. DRANOFF: Note the</p> <p>21 harassment objection.</p> <p>22 Q. -- isn't that what you are doing --</p> <p>23 MR. DRANOFF: Harassment</p> <p>24 objection.</p> <p>25 A. No.</p>
<p style="text-align: right;">258</p> <p>1 DAVIS, Ph.D.</p> <p>2 A. I did hear that.</p> <p>3 Q. -- is that your understanding? Is</p> <p>4 that your understanding; did Mr. Wallace have</p> <p>5 trouble with English?</p> <p>6 A. I rarely got any written work from</p> <p>7 Mr. Wallace on which I could make that</p> <p>8 judgment.</p> <p>9 MR. SELLS: Let's scroll up to</p> <p>10 his statement.</p> <p>11 Q. I want you to read his statement.</p> <p>12 Tell me when you are finished.</p> <p>13 A. I'm finished.</p> <p>14 Q. It is the same exact statement that</p> <p>15 you turned in for Anton Baptiste; isn't that</p> <p>16 right?</p> <p>17 A. I believe there is some small</p> <p>18 grammatical differences; but yes, they are --</p> <p>19 they are recounting -- they are substantially</p> <p>20 similar.</p> <p>21 Q. And neither one of them say they</p> <p>22 heard Ms. Barton do anything wrong, right?</p> <p>23 Neither of the statements said that</p> <p>24 Ms. Barton did anything wrong, correct?</p> <p>25 A. Well, they both say that Marjorie</p>	<p style="text-align: right;">260</p> <p>1 DAVIS, Ph.D.</p> <p>2 Q. Isn't that --</p> <p>3 MR. DRANOFF: Don't answer that</p> <p>4 question. Enough of the harassment.</p> <p>5 Q. Got it.</p> <p>6 MR. SELLS: We can take down</p> <p>7 the document.</p> <p>8 Q. So, who witnessed you asking Anton</p> <p>9 Baptiste to give that statement? Who</p> <p>10 witnessed you do it?</p> <p>11 A. I'm not sure that it was done</p> <p>12 verbally or whether it was done by an e-mail.</p> <p>13 And I'm certainly not -- I would not recall</p> <p>14 if anyone saw me request that statement.</p> <p>15 MR. SELLS: I call for the</p> <p>16 production of the e-mail that you</p> <p>17 requested Anton Baptiste or</p> <p>18 Mr. Wallace or Ms. Barton to write a</p> <p>19 statement.</p> <p>20 A. So, again, I'm not --</p> <p>21 MR. SELLS: I'm not asking --</p> <p>22 you don't have to speak. That was a</p> <p>23 request for the F.I.T. attorneys. We</p> <p>24 will follow it up in writing.</p> <p>25 MR. MELITO: Thank you, Derek.</p>

<p style="text-align: right;">261</p> <p>1 DAVIS, Ph.D.</p> <p>2 MR. SELLS: Now, let's put up</p> <p>3 Exhibit 33.</p> <p>4 Q. Because HR took a statement from</p> <p>5 Ms. Barton.</p> <p>6 (The image is shared on the</p> <p>7 computer screen.)</p> <p>8 Q. This is how Ms. Barton described the</p> <p>9 incident to Ms. Unelus as well as Mr. Nunez</p> <p>10 who both, as we heard yesterday, worked in</p> <p>11 the HR Department. Where she says, "I had</p> <p>12 coffee cups and stirrers in my hands. Anton</p> <p>13 Baptiste was behind me. I told him I was</p> <p>14 leaving --"</p> <p>15 MR. SELLS: Hold on. Is this</p> <p>16 the beginning? Is this the first</p> <p>17 page or second page? We'll start</p> <p>18 from the beginning.</p> <p>19 Q. Now, Ms. Barton was asked by Ms. Unelus</p> <p>20 what happened, and she goes on to describe it</p> <p>21 and I will get to the part where --</p> <p>22 MR. SELLS: Scroll up a little</p> <p>23 bit.</p> <p>24 Q. So first she describes the incident</p> <p>25 with the student who is looking for the</p>	<p style="text-align: right;">263</p> <p>1 DAVIS, Ph.D.</p> <p>2 AB's office --" Anton Baptiste's office "--</p> <p>3 it sounds like it went on forever, but it all</p> <p>4 happened quickly. She --" Marjorie Phillips</p> <p>5 "-- was sitting down with her back to me,</p> <p>6 maybe 4 feet. I stopped there and I said,</p> <p>7 "Shut the fuck up. Don't criticize me."</p> <p>8 All right. So here in her statement</p> <p>9 to HR, she says she went up to Ms. Phillips</p> <p>10 who was sitting down, correct?</p> <p>11 A. Yes.</p> <p>12 Q. That was not in the statement that</p> <p>13 you took and delivered to HR, right?</p> <p>14 A. I --</p> <p>15 MR. DRANOFF: Object to the</p> <p>16 form.</p> <p>17 A. I did not take a statement. I</p> <p>18 delivered the statement to HR.</p> <p>19 Q. Either way, whether you took it</p> <p>20 there or delivered it there, the statement</p> <p>21 that you provided to HR did not have that in</p> <p>22 there, right?</p> <p>23 A. The statement that Marilyn provided</p> <p>24 to me, which I subsequently provided to HR</p> <p>25 did not have this information, correct.</p>
<p style="text-align: right;">262</p> <p>1 DAVIS, Ph.D.</p> <p>2 regalia and how that came to pass and she</p> <p>3 decided that she was going to give her the</p> <p>4 regalia. And so then, if we keep going down,</p> <p>5 you can see where Ms. Barton talks about how</p> <p>6 she loaned her one and then she talks about</p> <p>7 what Ms. Phillips said, which is "You don't</p> <p>8 have the right to do that."</p> <p>9 And so, then what Ms. Barton says is</p> <p>10 "If Ms. Phillips had a problem, I told her to</p> <p>11 take it up with the dean." And then she</p> <p>12 says, "I was pushed to it. I felt bullied</p> <p>13 and she pushes me to my reaction. I'm</p> <p>14 ashamed of my behavior. I felt awful. I was</p> <p>15 yelling in impolite language. I told her to</p> <p>16 'shut the fuck up. I will kill you.'"</p> <p>17 All right. Now, that was not in the</p> <p>18 statement that you got from Ms. Barton,</p> <p>19 correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Keep going up.</p> <p>22 She then says, "I had coffee cups</p> <p>23 and stirrers in my hands. Anton Baptiste was</p> <p>24 behind me. I told him I was leaving. I'm</p> <p>25 not sure if Natacha was there. I went in</p>	<p style="text-align: right;">264</p> <p>1 DAVIS, Ph.D.</p> <p>2 MR. SELLS: We could take this</p> <p>3 down.</p> <p>4 Q. Now, in that statement as it was</p> <p>5 read now two times before, that second</p> <p>6 statement, one of the things that Ms. Barton</p> <p>7 made clear was that she was upset and lost it</p> <p>8 because of a complaint that had gone to the</p> <p>9 Affirmative Action Office that was still</p> <p>10 open; do you remember seeing that?</p> <p>11 A. I remember seeing yesterday when we</p> <p>12 looked at the document on screen a reference</p> <p>13 to that, yes.</p> <p>14 Q. Yeah. And so, that is retaliation</p> <p>15 when someone takes actions like Ms. Barton</p> <p>16 did against Ms. Phillips because of a</p> <p>17 complaint of discrimination that's being</p> <p>18 investigated, right?</p> <p>19 A. I don't believe that that is -- I --</p> <p>20 I -- I believe that in this case the</p> <p>21 connection between Marilyn's actions and her</p> <p>22 comment, as I recall it in the document, had</p> <p>23 to do with it was the last straw; meaning</p> <p>24 this incident in the Graduate School was the</p> <p>25 last straw for her. After which she</p>

<p style="text-align: right;">265</p> <p>1 DAVIS, Ph.D.</p> <p>2 referenced the affirmative action complaint.</p> <p>3 I don't also know the date of the</p> <p>4 document we were just looking at, at</p> <p>5 Marilyn's second more -- more extensive</p> <p>6 statement.</p> <p>7 Q. So, you're saying that that's not</p> <p>8 retaliation?</p> <p>9 A. I am saying what I just said, That I</p> <p>10 don't know -- I -- I can't make an evaluation</p> <p>11 about the connection between the incident</p> <p>12 that happened and any claim of retaliation.</p> <p>13 Q. Well, no. Ms. Barton already did</p> <p>14 that. She's the one that on her own said to</p> <p>15 HR that this was the last straw. She had</p> <p>16 made a complaint that went to Affirmative</p> <p>17 Action that was still ongoing and open and</p> <p>18 she lost it, right?</p> <p>19 A. I believe as -- as the language is</p> <p>20 written that the "last straw" that she refers</p> <p>21 to in that document is the incident in the</p> <p>22 Graduate School, not the affirmative action</p> <p>23 complaint.</p> <p>24 I think -- I think that what's she</p> <p>25 saying -- again, I was not present that. But</p>	<p style="text-align: right;">267</p> <p>1 DAVIS, Ph.D.</p> <p>2 defendant in the case.</p> <p>3 Q. Right.</p> <p>4 But you don't want to be found</p> <p>5 responsible, right?</p> <p>6 A. I'm afraid I'm not understanding</p> <p>7 your question.</p> <p>8 Q. All right.</p> <p>9 Well, in the case that you are suing</p> <p>10 F.I.T. on you want to make 10 million</p> <p>11 dollars, right?</p> <p>12 A. I want a fair hearing of my</p> <p>13 defamation claim.</p> <p>14 Q. Well, everything that you said in</p> <p>15 the document that you submitted was under</p> <p>16 oath and being true and one of the things you</p> <p>17 asked for was 10 million dollars; is that</p> <p>18 correct?</p> <p>19 A. That is correct, sir.</p> <p>20 MR. DRANOFF: Objection. The</p> <p>21 wherefore clause --</p> <p>22 Q. -- okay.</p> <p>23 So now in the case that Ms. Phillips</p> <p>24 has brought against you, you don't want to</p> <p>25 have to pay any money; isn't fair to say?</p>
<p style="text-align: right;">266</p> <p>1 DAVIS, Ph.D.</p> <p>2 I believe that what she was saying was that</p> <p>3 in a -- among the things that contributed to</p> <p>4 this was the fact that she had an affirmative</p> <p>5 action complaint, or maybe it was just that</p> <p>6 she was commenting that she had an</p> <p>7 affirmative action complaint open against</p> <p>8 her. I don't know.</p> <p>9 Q. Of course, you would want it to be</p> <p>10 that way because you don't want to face</p> <p>11 liability in this lawsuit, right?</p> <p>12 MR. DRANOFF: Object to the</p> <p>13 form and also --</p> <p>14 A. I --</p> <p>15 MR. DRANOFF: Note an</p> <p>16 harassment objection.</p> <p>17 A. My responsibility here today is to</p> <p>18 answer your questions truthfully and as</p> <p>19 thoroughly as I can. I am -- I am trying to</p> <p>20 do that.</p> <p>21 Q. That was not my question. My</p> <p>22 question is, You don't want to face liability</p> <p>23 in this case; is that true?</p> <p>24 A. I believe I already am facing</p> <p>25 liability in this case by being a named</p>	<p style="text-align: right;">268</p> <p>1 DAVIS, Ph.D.</p> <p>2 A. I would say, no. What I would --</p> <p>3 what I'm engaged in is a process, just as my</p> <p>4 lawsuit is a process, to have a fair and</p> <p>5 impartial hearing of the facts and</p> <p>6 presentation of evidence in the course -- in</p> <p>7 the course of the proceeding so that justice</p> <p>8 can be done.</p> <p>9 Q. Oh. So you want justice to be done?</p> <p>10 A. That is the -- that -- in my</p> <p>11 defamation lawsuit, that is the -- yes, that</p> <p>12 is the point.</p> <p>13 Q. Only in your defamation lawsuit?</p> <p>14 A. I believe all lawsuits that are</p> <p>15 filed in good faith this is what the process</p> <p>16 is for.</p> <p>17 Again, I'm not an attorney. I'm</p> <p>18 speaking as a layperson. But I think that</p> <p>19 the goal of the proceedings is to get to a</p> <p>20 fair and equitable conclusion of the</p> <p>21 complaint.</p> <p>22 Q. Well, let's -- because what you</p> <p>23 tried to do when Marilyn Barton threatened to</p> <p>24 kill Ms. Phillips when she told her to "shut</p> <p>25 the fuck up", when she told her, "I will fuck</p>

<p style="text-align: right;">269</p> <p>1 DAVIS, Ph.D.</p> <p>2 you up," you tried to do what it is that</p> <p>3 F.I.T. you claim did to you with regard to</p> <p>4 the fashion show --</p> <p>5 MR. DRANOFF: Objection --</p> <p>6 Q. -- you tried to flip the script,</p> <p>7 right? They wanted to flip the script --</p> <p>8 MR. DRANOFF: Objection --</p> <p>9 Q. -- so here is a person that gets</p> <p>10 blamed for the racist conduct --</p> <p>11 MR. DRANOFF: Derek, your</p> <p>12 theories are noted. They are not</p> <p>13 questions --</p> <p>14 Q. Right --</p> <p>15 MR. DRANOFF: -- they are</p> <p>16 harassing; and if we could close that</p> <p>17 down --</p> <p>18 MR. MELITO: Note F.I.T.'s</p> <p>19 objection to the last, I guess,</p> <p>20 statement or question, Derek.</p> <p>21 MR. SELLS: Okay.</p> <p>22 Well, can we pull up Exhibit</p> <p>23 66.</p> <p>24 (The image is shared on the</p> <p>25 computer screen.)</p>	<p style="text-align: right;">271</p> <p>1 DAVIS, Ph.D.</p> <p>2 Q. All right. So let's keep going.</p> <p>3 "And Aaron shall lay both hands --</p> <p>4 both his hands upon the head of the live goat</p> <p>5 and confess over him the inequities of the</p> <p>6 children of Israel, putting them upon the</p> <p>7 head of the goat and the goat shall bear upon</p> <p>8 him all their inequities unto a land not</p> <p>9 inhabited and he shall let go the goat in the</p> <p>10 wilderness. Exiled after a lifetime in the</p> <p>11 academy for sins she did not commit, but for</p> <p>12 which she was nonetheless falsely and</p> <p>13 publicly accused. The plaintiff here is</p> <p>14 nothing if not the scapegoat sacrificed to</p> <p>15 salvage the reputation of the defendants --"</p> <p>16 MR. DRANOFF: Same objection.</p> <p>17 Q. That is what you think F.I.T. did to</p> <p>18 you; is that right?</p> <p>19 A. I'm not sure which thing you are</p> <p>20 referring to that I think F.I.T. did to me.</p> <p>21 Q. Oh, really --</p> <p>22 A. Can you be more precise in your</p> <p>23 question; you read four paragraphs.</p> <p>24 Q. Well, this is from your lawyer. You</p> <p>25 don't know what your lawyer saying?</p>
<p style="text-align: right;">270</p> <p>1 DAVIS, Ph.D.</p> <p>2 Q. Now, for the record, 66 is your</p> <p>3 response to F.I.T.'s motion to dismiss your</p> <p>4 lawsuit; isn't that right?</p> <p>5 A. It appears to be, yes.</p> <p>6 Q. Have you seen this before?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 MR. SELLS: So could we scroll.</p> <p>10 Q. Now, this is what you wrote through</p> <p>11 your attorney in response to F.I.T.'s motion</p> <p>12 to dismiss. I'm going to read it.</p> <p>13 "Nearly every society, from earliest</p> <p>14 antiquity until modern times, has devised</p> <p>15 some form of public ritual, through which the</p> <p>16 sins of the community are expiated with the</p> <p>17 guilt of the many placed on the head of an</p> <p>18 unfortunate one."</p> <p>19 Now, what's that got to do with you?</p> <p>20 A. Well, if you continue to read --</p> <p>21 MR. DRANOFF: Objection.</p> <p>22 This is from a separate</p> <p>23 lawsuit. It's prepared by an</p> <p>24 advocate. It is not prepared by</p> <p>25 Ms. Davis. With that, she --</p>	<p style="text-align: right;">272</p> <p>1 DAVIS, Ph.D.</p> <p>2 A. No, I know what my lawyer is saying --</p> <p>3 Q. Okay.</p> <p>4 Well, I read -- excuse me. I read</p> <p>5 exactly what your lawyer wrote. I read</p> <p>6 exactly what your lawyer wrote about you, and</p> <p>7 you're saying you don't know what that refers</p> <p>8 to, just so I'm clear.</p> <p>9 A. No --</p> <p>10 MR. DRANOFF: It refers to what</p> <p>11 the lawyer wrote. The lawyers --</p> <p>12 MR. SELLS: Okay. Okay. Eric,</p> <p>13 you are not under oath.</p> <p>14 MR. DRANOFF: Nah, nah, nah.</p> <p>15 Because, Derek, you are being</p> <p>16 harassing --</p> <p>17 MR. SELLS: No, this is what</p> <p>18 I'm talking about. This is what I'm</p> <p>19 talking about. This is flipping the</p> <p>20 script.</p> <p>21 Q. You blame the victim to try and</p> <p>22 salvage the reputation of yourself, right?</p> <p>23 You blame the victim to try and salvage the</p> <p>24 reputation of yourself and that is exactly</p> <p>25 what you did to Ms. Phillips --</p>

<p style="text-align: right;">273</p> <p>1 DAVIS, Ph.D.</p> <p>2 MR. DRANOFF: Those are --</p> <p>3 Q. -- isn't that right, Dr. Davis --</p> <p>4 MR. DRANOFF: They are not</p> <p>5 questions. They are harassing.</p> <p>6 MR. SELLS: Please let her</p> <p>7 answer the question, Eric.</p> <p>8 MR. DRANOFF: We will go with</p> <p>9 this one, but if this line continues,</p> <p>10 we do have to close it down.</p> <p>11 Go ahead, Mary.</p> <p>12 A. No.</p> <p>13 Q. No. Okay.</p> <p>14 The false statements that Marilyn</p> <p>15 Barton gave about Ms. Phillips bullying her</p> <p>16 just like the false statements that you claim</p> <p>17 F.I.T. made about you being a racist, right?</p> <p>18 A. I'm not sure --</p> <p>19 Q. Very similar, right --</p> <p>20 A. I'm not --</p> <p>21 Q. Right --</p> <p>22 MR. DRANOFF: Those are your</p> <p>23 arguments, Derek; and if you want to</p> <p>24 ask someone to validate your</p> <p>25 arguments, that day will come.</p>	<p style="text-align: right;">275</p> <p>1 DAVIS, Ph.D.</p> <p>2 upon harassment. What is in this</p> <p>3 document is for you to read at any</p> <p>4 time at your leisure, and you can</p> <p>5 form whatever conclusions you have.</p> <p>6 It is a different lawsuit. It is a</p> <p>7 defamation lawsuit. It postdates</p> <p>8 anything in this lawsuit, and we went</p> <p>9 over this complaint for about three</p> <p>10 hours this morning; and at this</p> <p>11 point, it's getting to the point of</p> <p>12 abusive where it's gonna be shut</p> <p>13 down.</p> <p>14 MR. SELLS: All right. Why</p> <p>15 don't we take a 10-minute break.</p> <p>16 We can take the document down.</p> <p>17 Thank you.</p> <p>18 (Whereupon, a brief recess was</p> <p>19 taken; after which, the proceedings</p> <p>20 continued as follows 5:40 p.m.)</p> <p>21 MR. SELLS: Back on the record.</p> <p>22 I have no further questions.</p> <p>23 (Time Ended: 5:40 p.m.)</p> <p>24 * * *</p> <p>25</p>
<p style="text-align: right;">274</p> <p>1 DAVIS, Ph.D.</p> <p>2 MR. SELLS: Let's scroll up.</p> <p>3 Q. "The letter defamed Dr. Davis both</p> <p>4 per se and by implication falsely stating she</p> <p>5 had failed to apprehend the racist nature of</p> <p>6 the presentation characterizing her as</p> <p>7 inexcusably irresponsible and thus by</p> <p>8 implication professionally incompetent in</p> <p>9 laying at her feet the blame for events in</p> <p>10 which she played no role and over which she</p> <p>11 had no control."</p> <p>12 Did I read that correctly from your</p> <p>13 opposition to F.I.T.'s motion to dismiss?</p> <p>14 A. Yes.</p> <p>15 Q. Just like Marilyn Barton's false</p> <p>16 statement saying that Ms. Phillips was the</p> <p>17 one who was the aggressor and which</p> <p>18 Ms. Phillips actually had no control over</p> <p>19 Marilyn Barton telling her that she was gonna</p> <p>20 kill her, that she was gonna fuck her up,</p> <p>21 telling her to shut the fuck up, right --</p> <p>22 MR. DRANOFF: I'm going to</p> <p>23 object to form and also --</p> <p>24 Q. -- you seen the parallels --</p> <p>25 MR. DRANOFF: -- object based</p>	<p style="text-align: right;">276</p> <p>1 A C K N O W L E D G M E N T</p> <p>2</p> <p>3</p> <p>4 I, MARY E. DAVIS, Ph.D., do solemnly</p> <p>5 swear under the penalty of perjury that I have</p> <p>6 read the foregoing deposition transcript,</p> <p>7 which was taken under oath reflecting the</p> <p>8 questions elicited from me and my answers</p> <p>9 thereto.</p> <p>10 This transcript is true and complete.</p> <p>11 If I deemed it necessary, I indicated</p> <p>12 additions, changes or corrections on the</p> <p>13 attached errata sheet.</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 MARY E. DAVIS, Ph.D.</p> <p>18</p> <p>19 Subscribed and sworn to before me</p> <p>20 this ____ day of _____ 2021.</p> <p>21</p> <p>22 _____</p> <p>23 Notary Public</p> <p>24</p> <p>25</p>

1		277	1	
2	EXHIBITS		2	CERTIFICATE
3			3	
4	PLAINTIFF'S EXHIBITS:		4	The undersigned stenographer hereby
5	EXHIBIT	EXHIBIT	5	certifies:
6	NUMBER	DESCRIPTION	6	That the foregoing deponent was duly
7	59	Lawsuit between F.I.T. and	7	sworn by myself and this transcript is a true
8		Dr. Brown	8	record of the testimony by the witness and of
9			9	all objections made by counsel at the time and
10			10	place detailed herein.
11			11	That I am not related to any of the
12	INDEX		12	parties in this action by blood or by marriage
13			13	That I am in no way interested in the
14	EXAMINATION BY	PAGE	14	outcome of this litigation.
15	MR. SELLS:	4	15	IN WITNESS WHEREOF, I have hereunto
16			16	set my hand this 21st day of December 2021.
17			17	
18	RULINGS		18	
19			19	
20	N/A		20	LESLEY SIMPSON
21			21	
22			22	
23			23	
24			24	
25			25	

1		278	
2	DOCUMENTS & REQUESTS		
3	DESCRIPTION	PAGE	
4	Production: E-mails referenced in	59	
5	Paragraph 32 - February 11th, Dr. Davis was		
6	first alerted to student concerns about the		
7	fashion show when two second year students in		
8	the fashion MFA program e-mailed her.		
9	Dr. Davis		
10	Production: Termination letter	118	
11	Production: Marilyn Barton's raise	129	
12	request and the associated decision		
13	Production: Job descriptions that were	141	
14	given to each of the people that worked		
15	under Dr. Davis		
16	Production: Job descriptions for	144	
17	Ms. DeSantis, Mr. Baptiste, Ms. Alsop,		
18	Ms. Barton and Ms. Phillips during the		
19	time of Ms. Arbuckle and Dr. Davis		
20	Production: E-mail requesting Anton	260	
21	Baptiste or Mr. Wallace or Ms. Barton to		
22	write a statement		
23			
24			
25			

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